

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

**LYNN A. HINKEL,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

**No. C09-1048**

**ORDER REGARDING ATTORNEY  
FEES**

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This matter comes before the Court on the Motion for EAJA Fees (docket number 18) filed by the Plaintiff on July 20, 2010. Plaintiff requests that the Court order attorney fees in the amount of \$5,373.42, payable to Plaintiff's counsel. In his response (docket number 19) filed on July 29, 2010, Defendant states he has no objection to Plaintiff's requested amount, but asks that it be payable to Plaintiff. In her Reply (docket number 20), "Plaintiff requests payment of the EAJA fee directly to Plaintiff's counsel," citing an attorney fee agreement signed by Plaintiff, which assigns the fee to her attorney.

In the recent case of *Astrue v. Ratliff*, \_\_\_ U.S. \_\_\_, 130 S. Ct. 2521 (2010), the Supreme Court concluded that attorney fees granted to a claimant pursuant to the Equal Access to Justice Act (EAJA) were payable directly to plaintiff, rather than her attorney, and are therefore subject to a government offset to satisfy a pre-existing debt that the litigant owes the United States. Plaintiff offers no authority for the proposition that a claimant may avoid the effect of the EAJA, or the Court's ruling in *Ratliff*, by simply "assigning" the attorney fees to her attorney. Accordingly, the Court concludes that the attorney fees in this case are payable to Plaintiff.

**ORDER**

IT IS THEREFORE ORDERED that Plaintiff's Motion for EAJA Fees (docket number 18) is **GRANTED** as follows: **JUDGMENT** shall enter in favor of Plaintiff for attorney fees and expenses in the amount of Five Thousand Three Hundred Seventy-Three Dollars and forty-two cents (\$5,373.42), to be paid by the Social Security Administration.

DATED this 30th day of July, 2010.



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JON STUART SCOLES  
UNITED STATES MAGISTRATE JUDGE  
NORTHERN DISTRICT OF IOWA